

OFFICIAL GAZETTE



GOVERNMENT OF GOA

EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Goa Legislature Secretariat

LA/B/921/1999

The following Bill which was introduced in the Legislative Assembly of Goa on 28-3-2000 is hereby published for general information in pursuance of the provisions of Rule-138 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa Land Revenue Code (Amendment) Bill, 2000

(Bill No. 9 of 2000)

A

BILL

further to amend the Goa Land Revenue Code, 1968.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Land Revenue Code (Amendment) Act, 2000.

(2) It shall come into force at once.

2. *Amendment of section 32.*— In section 32 of the Goa Land Revenue Code, 1968 (Act 9 of 1969) (hereinafter called the “principal Act”), for sub-section (6), the following shall be substituted, namely:—

“(6) When the land is permitted to be used for a non-agricultural purpose, a sanad shall be granted to the holder thereof in the prescribed form, on payment of fees at the following rates, namely:—

(i) Personal housing Rs. 10/- per square metre.

(ii) Commercial/

industrial	C 1-200	FAR	Rs. 100/- per square metre.
housing	C 2-150	FAR	Rs. 75/- per square metre.
	S 1-100	FAR	Rs. 50/- per square metre.
	S 2-80	FAR	Rs. 25/- per square metre.
	I 2-80	FAR	Rs. 20/- per square metre.

(iii) For any constructions—

(a) in Coastal villages
 falling within 500
 metres from HTL. Rs. 100/- per square metre.

(b) beyond 500 metres
 from HTL. Rs. 50/- per square metre:

Provided that no such fees shall be leviable in cases where sanad is granted—

(i) for an area not exceeding two hundred square metres;

(ii) for the purpose of churches, temples, mosques, gurudwaras, sports, hospitals or educational, charitable, cultural or religious institutions.”

3. *Amendment of section 36.*— In section 36 of the principal Act, the proviso to sub-section (1) shall be omitted.

Statement of Objects and Reasons

(Annexure to Bill No. 9 of 2000)

With a view to augmenting the revenue, it is proposed to amend sub-section (6) of section 32 of the Goa Land Revenue Code, 1968 (Act No. 9 of 1969), so as to increase the fees chargeable for conversion of agricultural land for non-agricultural purpose, in respect of personal housing, from Rs. 2/- per sq. metre to Rs. 10/- per sq. metre and in respect of commercial/industrial housing, based on commercial zones, and also in coastal villages.

It is also proposed to omit the proviso to sub-section (1) of section 36 of the said Code, which is necessary for the purpose of effecting amendment to the Goa, Daman and Diu Minor Mineral Concession Rules, 1985, for the purpose of doing away with the grant of mining lease by the private parties, so that no persons shall have vested rights with respect to minor minerals towards grant of leases.

Financial Memorandum

It is proposed to raise the charges for conversion of agricultural land to non-agricultural purpose in respect of personal housing, from Rs. 2/- per sq. metre to Rs. 10/- per sq. metre and in respect of commercial housing, industrial and commercial construction, based on commercial zones and also in coastal villages.

The exact expected revenue on this account cannot be quantified.

Memorandum Regarding Delegated Legislation

No delegated legislation is envisaged in this Bill.

Porvorim,
27th March, 2000.

MAUVIN GODINHO
Minister for Revenue

Assembly Hall,
Porvorim,
27th March, 2000.

P. N. RIVANKAR
Secretary to the
Legislative Assembly of Goa.

Governor's recommendation under Article 207
of the Constitution.

In pursuance of Article 207 of the Constitution the Governor of Goa has recommended to the Legislative Assembly of Goa the introduction and consideration of the Goa Land Revenue Code (Amendment) Bill, 2000.

The Goa Land Revenue Code (Amendment) Bill, 2000

The Goa Land Revenue Code, 1968

(Act 9 of 1969)

Section 32. Procedure for conversion of use of land from one purpose to another.— (6) When the land is permitted to be used for a non-agricultural purpose, a sanad shall be granted to the holder thereof in the form prescribed under the rules on payment of the fees at the rates mentioned as under:—

- | | |
|---|---------------------------|
| (i) On personal housing | Rs. 2/- per square metre. |
| (ii) on commercial housing/
Industrial commercial
constructions | Rs. 5/- per square metre. |

Provided that no such fees shall be leviable in cases where sanad is granted—

- (i) for area not exceeding two hundred square metres;
- (ii) for the purpose of churches, temples, mosques, gurudwaras, sports, hospitals, or educational, charitable, cultural or religious institutions.

36. Central Government title to mines and minerals.— (1) Unless it is otherwise expressly provided by the terms of the grant made by the Government, the right to all minerals at whatever place found, whether on surface or underground, including all derelict or working mines and quarries, old dumps, pits, fields, bandhas, nallas, creeks, river-beds and such other places, is and is hereby declared to be expressly reserved and shall vest in the Central Government which shall have all powers necessary for the proper enjoyment of such right:

Provided that nothing in this Code shall be deemed to affect any subsisting rights of any person in respect of such mines or minerals in his land.

(2) The right to all mines and quarries includes the right of access to land for the purpose of mining and quarrying and the right to occupy such other land as may be necessary for purposes subsidiary thereto, including the erection of offices, workmen's dwellings and machinery, the stacking of minerals and deposit of refuse, the construction of roads, railways or tram-lines, and any other purposes which the Government may declare to be subsidiary to mining and quarrying.

(3) If the Government has assigned to any person the right over any minerals, mines or quarries, and if, for the proper enjoyment of such right, it is necessary that all or any of the powers specified in sub-sections (1) and (2) should be exercised, the Collector may, by an order in writing, subject to such conditions and reservations as he may specify, delegate such powers to the person to whom the right has been assigned:

Provided that no such delegation shall be made until notice has been duly served on all persons having rights in the land affected, and their objections have been heard and considered.

(4) If, in the exercise of the right herein referred to over any land, the rights of any person are infringed by the occupation or disturbance of the surface of such land, the Government or its assignee shall pay to such persons compensation for such infringement and the amount of such compensation shall, in the absence of agreement, be determined by the Collector or, if his award is not accepted, by the civil court, in accordance with the provisions of the Land Acquisition Act, 1894.

(5) No assignee of the Government shall enter on or occupy the surface of any land unless compensation has been determined and tendered to the persons whose rights are infringed:

Provided that it shall be lawful for the Collector to grant interim permission pending the award of the civil court in cases where the question of determining the proper amount of compensation is referred to such court under sub-section (4).

(6) If an assignee of the Government fails to pay compensation as provided in sub-section (4), the Collector may recover such compensation from him on behalf of the persons entitled to it, as if it were an arrear of land revenue.

(7) Any person who without lawful authority extracts, removes, collects, replaces, picks up or disposes of any mineral from working or derelict mines, quarries, old dumps, fields, bandhs (whether on the plea of repairing or construction of bunds of the fields or on any other plea), nallas, creeks, riverbeds, or such other places wherever situate, the right to which vests in the Central Govern-

ment, and has not been assigned by the Government, shall without prejudice to any other mode of action that may be taken against him, be liable, on the order in writing of the Collector, to pay penalty not exceeding a sum determined at three times the market value of the minerals so extracted, removed, collected, replaced, picked up or disposed of, as the case may be:

Provided that, if the sum so determined is less than one thousand rupees, the penalty may be such larger sum not exceeding one thousand rupees as the Collector may impose.

(8) Without prejudice to the provision in sub-section (7), the Collector may seize and confiscate any mineral extracted, removed, collected, replaced, picked up or disposed of from any mine, quarry or other place referred to in sub-section (7), the right to which vests in the Central Government and has not been assigned by the Government.

(9) The Government may make rules to regulate the extraction and removal of minor minerals required by inhabitants of a village, town or city for their domestic, agricultural or professional use on payment of fees or free of charge, as may be specified in the rules.

Explanation— For the purposes of this section, "minor minerals" means the minor minerals in respect of which the Government is empowered to make rules under section 15 of the Mines and Minerals (Regulation and Development) Act, 1957.

Assembly Hall,
Porvorim,
27th March, 2000.

P. N. RIVANKAR,
Secretary to the
Legislative Assembly of Goa.

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Department of Law & Judiciary

Legal Affairs Division

Notification

7-1-2000/LA

The Goa Supplementary Appropriation Act, 2000 (Goa Act 1 of 2000), which has been passed by the Legislative Assembly of Goa on 23-3-2000 and assented to by the Governor of Goa on 28-3-2000, is hereby published for general information of the public.

P. V. Kadnekar, Joint Secretary (Law).

Panaji, 29th March, 2000

THE GOA SUPPLEMENTARY APPROPRIATION ACT, 2000

(Goa Act 1 of 2000)

[28-03-2000]

An Act to authorise payment and appropriation of certain sums from out of the Consolidated Fund of the State of Goa for the services and purposes of the financial year 1999-2000.

Be it enacted by the Legislative Assembly of Goa in the Fifty-first Year of the Republic of India as follows:-

1. *Short title.* – This Act may be called the Goa Supplementary Appropriation Act, 2000.

2. *Issue of Rs. 15547.23 lakhs from out of the Consolidated Fund of the State of Goa for the financial year 1999-2000.* – From and out of the Consolidated Fund of the State of Goa, there may be paid and applied sums not exceeding those specified in column (5) of the Schedule amounting in the aggregate to the sums of one hundred fifty five crores, forty seven lakhs and twenty three thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1999-2000 in respect of the services and purposes specified in column (2) of the Schedule.

3. *Appropriation* – The sums authorised to be paid and applied from out of the Consolidated Fund of the State of Goa, by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said financial year.

THE SCHEDULE

(See sections 2 and 3)

(Rs. in lakhs)

No. of Demand	Services and purposes	Sums not exceeding		
		Voted by Assembly	Charged on the Consolidated Fund of the State of Goa	Total
(1)	(2)	(3)	(4)	(5)
1	Legislature Secretariat	22.05	8.00	30.05
-	<i>Raj Bhavan (Charged)</i>	-	18.40	18.40
2	General Administration & Coordination	83.61	-	83.61
3	District & Session Court, North Goa	41.56	-	41.56
4	District & Session Court, South Goa	40.00	-	40.00
5	Prosecution	10.00	-	10.00
6	Election Office	161.56	-	161.56
7	Settlement & Land Records	55.79	-	55.79
8	Treasury & Accounts Administration	2938.30	-	2938.30
9	Treasury & Accounts Administration, South Goa	5.70	-	5.70
-	<i>Debt Services (Charged)</i>	-	137.80	137.80
10	Notary Services	22.68	-	22.68
11	Excise	18.00	-	18.00
12	Sales & Entertainment Tax	25.03	-	25.03
13	Transport	46.08	-	46.08
-	<i>Goa Public Service Commission (Charged)</i>	-	1.00	1.00
14	Goa Sadan	2.48	-	2.48
15	Collectorate, North Goa	47.15	-	47.15
16	Collectorate, South Goa	23.96	-	23.96

(1)	(2)	(3)	(4)	(5)
17.	Police	694.18	-	694.18
18.	Jails	24.60	-	24.60
19.	Industries & Mines	74.12	-	74.12
20.	Printing & Stationery	1.25	-	1.25
21.	Public Works	1590.27	37.00	1627.27
22.	Vigilance	2.00	-	2.00
24.	Goa Public Men's Corruption, Investigation & Enquiry	3.72	-	3.72
25.	Home Guards	15.18	-	15.18
26.	Fire & Emergency Services	37.94	-	37.94
27.	Evacuee Property	0.07	-	0.07
31.	Panchayats	114.76	-	114.76
33.	Revenue	90.47	-	90.47
34.	School Education	3365.57	-	3365.57
35.	Higher Education	1566.67	48.00	1614.67
36.	Technical Education	190.00	-	190.00
37.	Government Polytechnic, Panaji	23.00	-	23.00
38.	Government Polytechnic, Bicholim	23.48	-	23.48
39.	Government Polytechnic, Curchorem	11.86	-	11.86
40.	Goa College of Engineering	191.02	-	191.02
41.	Goa Architecture College	26.91	-	26.91
42.	Sports & Youth Affairs	118.07	65.98	184.05
43.	Art & Culture	31.00	-	31.00
44.	Goa College of Art	4.95	-	4.95
45.	Archives and Archaeology	29.00	-	29.00
46.	Museum	10.00	-	10.00
47.	Goa Medical College	485.46	0.30	485.76
48.	Health Services	522.71	-	522.71
49.	Institute of Psychiatry & Human Behaviour	106.27	-	106.27
50.	Goa College of Pharmacy	44.25	-	44.25
51.	Goa Dental College	34.88	-	34.88
52.	Labour	94.19	-	94.19
53.	Food & Drugs Administration	11.62	-	11.62
54.	Town & Country Planning	38.64	-	38.64
55.	Municipal Administration	46.96	-	46.96
56.	Information & Publicity	11.56	-	11.56
57.	Social Welfare	35.24	-	35.24
58.	Women & Child Development	99.13	-	99.13
59.	Factories & Boilers	30.50	-	30.50
60.	Employment	5.42	-	5.42
61.	Craftsman Training	10.00	-	10.00
63.	Rajya Sainik Board	9.03	-	9.03
64.	Agriculture	27.48	-	27.48

(1)	(2)	(3)	(4)	(5)
65.	Animal Husbandry	81.98	-	81.98
66.	Fisheries	68.30	-	68.30
67.	Ports Administration	37.45	-	37.45
68.	Forests	288.08	-	288.08
69.	Parks & Gardens	25.18	-	25.18
70.	Civil Supplies	25.46	-	25.46
71.	Cooperation	20.10	-	20.10
72.	Science, Technology & Environment	47.00	-	47.00
73.	State Election	100.00	-	100.00
74.	Irrigation	355.65	0.49	356.14
75.	Planning, Statistics and Evaluation	32.60	-	32.60
76.	Electricity	417.72	1.68	419.40
77.	River Navigation	91.00	-	91.00
78.	Tourism	234.21	-	234.21
80.	Legal Metrology	6.47	-	6.47
TOTAL		15228.58	318.65	15547.23

Secretariat Annexe,
Panaji.
Dated: 29-3-2000.

B. S. SUBBANNA,
Secretary to the Government of Goa
Law Department (Legal Affairs).